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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,008	07/29/2003	Joseph Carpenter	EXECU.0002P	8536
32856	7590	09/28/2004	EXAMINER	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			BASTIANELLI, JOHN	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,008

Applicant(s)

CARPENTER, JOSEPH

Examiner

John Bastianelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/9/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorman, Jr. US 5,052,721.

Gorman discloses a method of installing a valve between an inlet and an outlet pipe having, providing a valve 40/50 having a housing (valve 40/50 together with retaining housing 3) defining a first portion of a passage through said valve, said valve including an inlet port (seen as far left side of Figs. 1-4) at a first end of said passage through said valve, said inlet port fixed in position relative to said housing, said inlet port leading to said first portion of said passage through said valve, said valve further including an extendable member 2 permanently coupled to said housing, said extendable member having a first end (right side of 3) and a second end (left side of 3), said first end comprising an outlet port (seen as far right side of Figs. 1-4) of said valve at a second end of said passage through said valve and said second end of said extendable member located within said housing and in communication with said first portion of said passage through said valve, said second end of said extendable member movable within said housing, said extendable member defining a second portion of said passage through said valve, said second portion of said passage defined by said extendable member between said outlet port and said first portion of said passage through said housing, said valve including a control (knob on

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40, 50) configured to selectively open and close said passage through said valve from said inlet port to said outlet port, connecting said inlet port of said valve to said inlet pipe (left side of Figs. 1-4), sliding by pulling or pushing said first end of said extendable member into a position in which it mates with said outlet pipe (right side of Figs. 1-4), said position of said outlet port of said valve changing relative to said housing, and connecting said outlet port of said valve to said outlet pipe. The apparatus is seen as practiced by the method. The inlet and outlet ports are generally axially aligned. A seal 4 seals between the second end and the housing and means for limiting the movement of the second end (A/B) having a first and second stop.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman, Jr. US 5,052,721 in view of Aitken et al. US 5,024,469.

5. Gorman lacks a first enlarged part of the housing with the second end of the extendable member located in this enlarged part and having a greater diameter than the first portion of the extendable member. Aitken discloses a first enlarged part of the housing with the second end of the extendable member located in this enlarged part. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the enlarged part and second end of the extendable member reversed as disclosed by Aitken, since it has been held that a mere

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reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 104 USPQ 104 (CCPA 1955).

6. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman, Jr. US 5,052,721.

Gorman lacks a mention of more than one extendable member on the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use as many extendable members as needed, including on the opposite side of the valve, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (CA 7 1977).

#### ***Response to Arguments***

7. Applicant's arguments filed June 25, 2004 have been fully considered but they are not persuasive.

8. Regarding applicant's argument that the coupling 10 is not permanently coupled, it is permanently coupled if it is never removed.

9. Regarding applicant's argument that the extension end is not located in the housing, the housing is seen to extend to where the extension end is.

10. Regarding applicant's argument that a water meter does not have a valve, see col. 1, lines 32-44. Gorman discloses that a valve is used in a water meter.

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***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Bastianelli  
Primary Examiner  
Art Unit 3754



JB

September 22, 2004